THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.1843 of 2007

24-04-2014

BETWEEN:

The State of A.P., rep. by the Public Prosecutor,
High Court of A.P., Hyderabad.

…..Appellant

AND

Mallela Chitti Babu and Another

…..Respondents

THIS COURT MADE THE FOLLOWING JUDGMENT:

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.1843 of 2007

JUDGMENT:

This Criminal Appeal is preferred by the State challenging the Judgment dated 04.04.2006 passed in C.C.No.238 of 2005 by the Judicial Magistrate of First Class, Puttur, whereby the learned Judge acquitted the accused for the offences under Sections 379 and 411 IPC.

The case of the prosecution is as follows:

That in the month of March, 2005 while PW.2 was proceeding to her house, two persons who were proceeding on a motor cycle committed the offence of snatching P.W.2's gold chain weighing 24 grams. P.W.2 did not choose to lodge complaint in the month of March due to some sentiments. After securing the accused in the month of August, 2005, P.W.1 lodged complaint on behalf of P.W.2. Basing on the complaint lodged by P.W.1, a case was registered against the accused for the offences under Sections 379 and 411 IPC and the matter was investigated. After completion of the investigation, charge sheet was filed.

To prove the case of the prosecution, P.Ws.1 to 7 were examined and Exs.P.1 to P.8 were marked. No oral or documentary evidence was adduced on behalf of the accused.

On appreciation of oral and documentary evidence, the trial Court acquitted the accused mainly on the following grounds:

There is an inordinate delay in lodging the complaint. There is no identification parade to substantiate the fact that the persons, who are alleged as accused, have committed the offence of chain snatching in the month of March, 2005. Even though the gold chain was recovered from the shop of a pawn broker, he was not examined before the Court to establish that the persons, who are alleged to have committed the offence, have pledged the said gold chain which was snatched by them from P.W.2. Though it is evident from the record that the crime is established, the prosecution has miserably failed to connect the accused with the said crime

and as such the accused are entitled for acquittal of the charges levelled against them.

Heard the learned Public Prosecutor and perused the material available on record.

On perusing the evidence available on record and the Judgment of the Court below, this Court is of the view that the trial Court has rightly observed that prosecution has failed to prove the case against the respondents herein. The Judgment of the trial Court is in accordance with law and it does not suffer from any perverse findings and the acquittal recorded by the trial Court needs no interference by this Court.

The Criminal Appeal is accordingly dismissed. Miscellaneous applications, if any pending in this appeal, shall stand dismissed.

JUSTICE RAJA ELANGO

24.04.2014
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